



# Volunteer Health Professionals Federal Tort Claims Act (FTCA) Program CY 2017/18 Technical Assistance Webcast August 31, 2017

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# Overview

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- **Volunteer Health Professional (VHP)  
FTCA Program Overview**
- **Application Process**
- **Questions/Answers**



# Purpose

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- **Overview of recently enacted legislation**
- **Guidance on the calendar year (CY) 2017 and 2018 VHP deeming application process**
- **Outline of important coverage and application requirements for eligible VHPs in health centers**



# Volunteer Health Professional FTCA Program

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- Created through the enactment of Section 9025 of the 21st Century Cures Act
- Added 224(q) to the Public Health Service Act (42 U.S.C. § 233(q))
- Extended liability protections to VHPs at deemed health centers



# Volunteer Health Professional FTCA Program (Cont'd)



- The VHP FTCA Program extends medical malpractice liability coverage to eligible VHPs of deemed health centers who:
  - Meet program and statutory requirements; and
  - Are deemed as federal employees for such purposes.

# Volunteer Health Professional FTCA Program (Cont'd)

- The VHP FTCA program is distinct from the FTCA Health Center Program and will require a separate deeming process for volunteers.
- Eligible health center VHPs do not receive deemed Public Health Service (PHS) employee status automatically, nor do they receive it simply by volunteering at the health center.
- Sponsoring health centers must submit an annual application for deeming on behalf of their individually named VHPs to HRSA.



# Program Requirements

- Only a deemed health center entity may sponsor a volunteer health professional.
- If the health center is not currently deemed, it must obtain deemed status by submitting an FTCA application that is approved by HRSA before it is eligible to sponsor VHPs.
- Please see the FTCA Health Center Policy Manual and the CY 2018 Deeming PAL for additional details regarding the Health Center FTCA application and other FTCA program requirements.



# Program Requirements (continued)

- The individual health professional must be sponsored by a deemed health center; and
- She/he must provide services to patients at the sponsoring health center facilities or through certain qualifying offsite programs or events conducted by a sponsoring health center.





# Program Requirements (continued)

- Before service is provided, the VHPs or the sponsoring deemed health center must post a clear and conspicuous notice at the site where the service is provided as to the limited legal liability of the VHPs; and
- At the time the service is provided, the VHPs must be appropriately licensed or certified to provide qualifying health care services in accordance with applicable federal and state laws.



# Program Requirements (continued)

- The VHP must not receive any compensation for the service from the patient, the sponsoring health center, or any third-party payer (including reimbursement under any insurance policy, health plan, or federal or state health benefits program).
  - However, the health care practitioner may receive repayment from the health center for reasonable expenses incurred in providing a service to a patient.
- The sponsoring health center must maintain all relevant documentation certifying that the VHP meets the requirements to be considered a volunteer.



# Coverage

- Deemed VHPs are provided immunity from lawsuits and related civil actions resulting from the performance of medical, surgical, dental, and related functions within the scope of deemed employment.
- Scope of employment determinations take into account such matters as the scope of project of the health center and the scope of the provider's work on behalf of the health center.



# Coverage Approval

- Eligible health center VHPs do not receive deemed PHS employee status automatically, nor do they receive it simply by volunteering at the health center.
- Sponsoring health centers must submit an annual application for deeming on behalf of their individually named VHPs to HRSA.
- FTCA coverage is not retroactive and is not effective until the date shown on your deeming letter.



# Types of Applications

- **Initial Supplemental Applications** – on October 1, 2017, the Electronic Handbooks will begin accepting applications from sponsoring health centers applying for deemed PHS employee status for volunteers currently providing services at the health center. This coverage will extend from date of deeming through December 31, 2018.



# Types of Applications (continued)

- **Rolling Supplemental Applications** will be accepted on a rolling basis as additional volunteers are on-boarded by the covered entity throughout the calendar year.
- **Annual Health Center Deeming/Redeeming Applications** will feature a tab for VHP deeming beginning for coverage year 2019 and beyond. This will allow you to redeem VHPs previously deemed in a supplemental application and new VHPs that join during the redeeming period.



# Application Requirements

## All VHP deeming application forms require:

- Contact information for the sponsoring health center.
- A list of all VHPs the health center is sponsoring for deemed status.
  - The sponsoring health center must not include other individuals, such as employees, contractors, governing board members and officers on this listing.
- Contact information for all VHPs the health center is sponsoring for deemed status – including name; mailing address; email address; and phone number for each individual.



# Application Requirements (continued)

## All VHP deeming application forms require:

- Evidence that each licensed or certified VHP was credentialed and privileged by the sponsoring health center within the last two years, including the specific dates such actions were taken.
- A description of any and all (1) state board disciplinary actions and (2) filed state or federal court (including any FTCA) malpractice claims against the sponsored eligible individuals within 10 years prior to the submission of this FTCA VHP deeming application (including pending claims).





# Application Requirements (continued)

## All VHP deeming application forms require:

- Assurance that the individuals for whom deeming is sought will continue to meet the statutory eligibility criteria, as reflected in the entity's calendar year deeming application.
- Assurance that the health center has maintained its credentialing, privileging, and risk management systems, or a description as to how the system(s) has/have been modified.
- A general description of the area and work that the individuals will be performing for the sponsoring health center.



# CY 2017 & 2018 Application Highlights

**The sponsoring health center will acknowledge its understanding that, for a volunteer to be considered a VHP, the following requirements must be met:**

## **Volunteer Health Professional: Acknowledgment of Required Performance Conditions**

1. The service is provided by the VHP to patients at the sponsoring health center's facilities (including its approved service sites) or through offsite programs or events is/are carried out by a sponsoring health center (section 224(q)(1)(A)).
2. The VHP does not receive any compensation for the service(s) from the patient, the sponsoring deemed health center, or any third-party payer (including reimbursement under any insurance policy, health plan, or federal or state health benefits program); however, the VHP(s) may receive repayment from the sponsoring health center for reasonable expenses incurred by the VHP(s) in the provision of the service to the individual, including travel expenses to or from the site of services (section 224(q)(1)(C)).



# CY 2017 & 2018 Application Highlights (Cont.)

The sponsoring health center will acknowledge its understanding that, for a volunteer to be considered a VHP, the following requirements must be met:

## Volunteer Health Professional: Acknowledgment of Required Performance Conditions

3. Before the service(s) is/are provided, the VHP or the sponsoring deemed health center will post a clear and conspicuous notice at the site where the service(s) is/are provided of the extent to which the legal liability of the health care practitioner is limited pursuant to the Public Health Service Act (section 224(q)(1)(D)).
4. At the time service(s) is/are provided, the VHP is licensed or certified in accordance with applicable federal and state laws regarding the provision of the service(s) (section 224(q)(1)(E)).



# CY 2017 & 2018 Application Highlights (Cont.)

The sponsoring health center will acknowledge its understanding that, for a volunteer to be considered a VHP, the following requirements must be met:

## Volunteer Health Professional: Acknowledgment of Required Performance Conditions

5. The sponsoring health center maintains all relevant documentation certifying that the VHP meets the requirements to be considered a volunteer (section 224(q)(1)(F)).
6. The sponsoring health center must have credentialed and privileged the VHP in accordance with all current Health Center Program and FTCA Program credentialing and privileging requirements and maintains this information in a file for each VHP (section 224(q)(3)).



# CY 2017 & 2018 Application Highlights (Cont.)

**List of all individual volunteers for whom deeming is sought. (The sponsoring health center must NOT include other individuals, such as employees, contractors, governing board members and officers on this listing.)**

## Individual Volunteer(s)

### Add Individual Details

- Prefix
- First Name
- Middle Name
- Last Name
- Professional Designation

### Contact Information

- Work Email Address
- Work Phone Number
- Work Fax Number
- Work Mailing Address
- Personal Email Address
- Personal Phone Number
- Personal Fax Number
- Personal Mailing Address



# CY 2017 & 2018 Application Highlights (Cont.)

## Individual Volunteer(s)

### Roles and Specialty

- Role(s) in Health Center:
- Specialty:
- Others:

[Please upload a signed volunteer agreement for each individually named volunteer which clearly states that the named volunteer is a volunteer of the health center, outlines the terms and conditions of the services that the volunteer will provide, acknowledges that the volunteer will not receive any compensation including reimbursement from any third-party payer, and documents each off-site activity for the provider.]

# CY 2017 & 2018 Application Highlights (Cont.)

Please indicate whether the individual volunteer is required to be licensed or certified in accordance with applicable state and federal law(s). If yes, please upload primary source verification of current licensure and/or certification. (upload attachment)

## Individual Volunteer(s)

Credentialing and Privileging

- Date of Last Credentialing
- Date of Last Privileging

★ Please remember that all state licensed or certified health professionals need to be credentialed and privileged **every two years.** ★



# CY 2017 & 2018 Application Highlights (Cont.)

## Medical Malpractice History

Description of any and all

(1) state board disciplinary actions; and

(2) filed state or federal court (including any FTCA) malpractice claims against the sponsored eligible individuals within 10 years prior to the submission of this FTCA volunteer health professional deeming application (including administrative and litigation claims, including pending claims).





# CY 2017 & 2018 Application Highlights (Cont.)

## Offsite Events and Particularized Determinations

- HRSA considers offsite programs and/or events to include health fairs or similar events where the sponsoring health center provides routine health screenings and educational activities, as well as the activities listed in sections C.4 and C.5 of the FTCA Health Center Policy Manual.
- Any other offsite programs and/or events must be approved via the Particularized Determination process, which is outlined in section C.4 of the FTCA Policy Manual, and can be submitted to [ftcapd@hrsa.gov](mailto:ftcapd@hrsa.gov).



# CY 2017 & 2018 Application Highlights (Cont.)

**Affirmation signature (entered as electronic signature) by the Executive Director of the sponsoring health center certifying that:**

- The sponsoring health center meets the statutory eligibility criteria for deemed status/FTCA coverage, as reflected in its current calendar year deeming application;
- The sponsoring health center has maintained its credentialing, privileging, and risk management systems in accordance with Health Center Program and Health Center FTCA Program requirements; and
- The information in the application and the related attachments is complete and accurate.



# How Do We Apply?

- HRSA has developed an FTCA VHP deeming module within the HRSA Electronic Handbooks (EHB) system to streamline FTCA deeming application submission and processing.
- All sponsoring health centers must submit deeming applications within the EHB online system.
- Health centers that are interested in submitting an application for initial coverage should contact our FTCA team via the BPHC Helpline (877-974-2742, option 2).



# Resources

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- **Website:**  
<https://bphc.hrsa.gov/ftca/about/health-center-volunteers.html>
- **Program Assistance Letter (PAL) 2017-06:**  
[https://bphc.hrsa.gov/ftca/about/health\\_center\\_volunteers\\_pal.pdf](https://bphc.hrsa.gov/ftca/about/health_center_volunteers_pal.pdf)



# Contact Us

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- **Phone:**
  - BPHC Helpline
  - 1-877-974-BPHC (877-974-2742), select option 2
  - 8:00 AM to 5:00 PM ET, Monday through Friday
  
- **Online:**
  - Contact Form:  
<http://www.hrsa.gov/about/contact/bphc.aspx>



# Questions



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# Thank You!

